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Attorney-at-Law

BETHEL ST., HONOLULU.

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ner of King and Alakea Streets, Hono-
lulu. 1157**W. C. ACHI.** Enoch Johnson.**ACHI & JOHNSON,**
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Office No. 10 West King street.

Telephone 884.

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1172

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1186

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SUPREME COURT DECISIONS

A unanimous decision of the
Supreme Court, written by Justice
Frear, has been rendered in the
case of Hawaiian Commercial and
Sugar Company vs. Wailuku
Sugar Company.The plaintiff appealed from a
Circuit Court decree sustaining
the demurrer of the defendant and
dismissing the bill for injunction
of the plaintiff. The appellate
court affirms the decree, stating
the law as here given:"An alleged equitable owner of
land is not entitled to an injunc-
tion to restrain the prosecution of
condemnation proceedings against
the holder of the legal title, during
the pendency of a suit to have the
holder of the legal title declared
trustee of the land to the use of
the equitable claimant, there
being no collusion between the
plaintiff in the condemnation pro-
ceedings and the holder of the
legal title."The plaintiff is the holder of the
equitable title in question, and
Claus Spreckels the holder of the
legal title, and the property is 6900
acres of land on Maui to which
are appurtenant valuable water
rights.A. S. Hartwell and W. R. Cas-
tle for plaintiff; Kinney & Ballou
for defendant.Chief Justice Judd is author of
a unanimous decision of the Su-
preme Court, in the ejectment case
of Agnes Jones nee Perley, Edith
Perley and Katherine Perley a
minor, by her next friend and
guardian ad litem, J. F. Colburn, vs.
Hana Lili Pooloa, formerly Hana
Lili Gravier, Lee Chu and Lau
Pio.The principal plaintiffs are
grandchildren of Louis Gravier,
who died in Honolulu in 1849.
Elizabeth was sent to the United
States when seven years old, mar-
ried one Perley and died intestate
at West Boyford, Mass., in 1884.
Defendant is the widow of Gravier,
and has been in the possession of
the property, land on King street,
Honolulu, from 1860 to the pre-
sent time. Her defense to this suit
was title by prescription. The
jury found a verdict for the de-
fendant, from which an appeal
was taken.The appellate court finds no
reason to set aside the verdict, and
incidentally sustains the trial
judge in the instructions he gave
the jury. This is the law stated in
the syllabus:"A widow dower whose hus-
band died in 1849 before the en-
actment of the statute of 1852
which gives a widow the right to
occupy with the heirs of the de-
ceased her husband's land after
his death so long as the heirs do
not object thereto, taking posses-
sion of land previously leased by
the guardian of the heir, in which
lease the widow joined for her
right of dower, has no fiduciary
relation to the heir. She is not a
tenant in common with the heir,
therefore no actual ouster need be
proven. If her occupancy satisfies
all the necessary elements of a title
by adverse possession she cannot
be disturbed."Circuit Judge Perry sat in place
of Justice Frear, absent, along
with the Chief Justice and Justice
Whiting. O. Brown and F. M.
Hatch for plaintiffs; Magoon &
Silliman and Humphreys & Gear
for defendants.

Police Court Notes.

In the Police Court Wednesday
noon, Anton Marshall was sen-
tenced to three months imprison-
ment and to pay a fine of \$100 on
the charge of selling spirituous
liquors without a license. Ma-
leka, charged with deserting her
husband, was dismissed for want
of prosecution. Sentence was
suspended for six months in
the case of Louis Mellow
charged with common nuisance.
Ah Fong, charged with using
threatening language toward Ma-
biai, was found guilty and ordered
to file a bond of \$50 to keep the
peace for six months. Witnesses
on the side of the complaining
witness stated that Ah Fong
threatened to disembowel Mahai
and to hang his bowels in the sun
to dry.The Best Liniment—"Chamber-
lain's Pain Balm is the finest on
earth," write Edwards & Parker,
of Plains, Ga. This is the ver-
dict of all who use it. For
rheumatism, lame back, sprains,
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ailments and accidents common to
every household, this liniment
has no equal. With it in the
house, a great deal of pain and
suffering may be avoided. For
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WORKING TO SOUTH POLE.

Buenos Ayres, April 4.—The
steamer Belgic, having on board
the De Garliche Antarctic expedi-
tion, has arrived at Punta Arenas,
Patagonia. She was icebound for
two months.New York, April 4.—The Brook-
lyn Standard-Union prints the
following copyrighted cable dis-
patch dated Montevideo, April
4th, signed by Dr. Frederick A.
Cook, surgeon of the Belgic expedi-
tion: "The Belgic arrived here
this morning. All well. Our
Antarctic voyage has been a com-
plete success. Much new land in
Weddell sea and open water to the
far south discovered. Active vol-
canoes were also seen. I come
home direct by early steamer.
The Belgic will not return for an-
other winter, as originally plan-
ned. We lost men by accident,
but none by disease."The last previous communica-
tion from the expedition was from
Ushuaia, the southern point of
Tierra del Fuego, December 4,
1897, stating that on the next day
the steamer would sail for the un-
known south. Originally the
purpose was to return last fall and
re-fit in Melbourne, Australia.

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